

## REMARKS

### Summary of Office Action

Claims 1-7 were pending in this application.

The Examiner objected to the specification for not having section headings.

The Examiner objected to the abstract for having an incorrect heading, not being in narrative form, and for using legal phraseology such as “means” and “said.”

The Examiner objected to the drawings for not showing every feature of the invention specified in the claims, for not including reference numerals mentioned in the specification, and for containing reference numerals that do not point to anything (i.e., no lead lines/arrows).

The Examiner objected to claims 5 and 6 for being of improper form in that each is a multiple dependent claim with claim 6 depending from claim 5 (a multiple dependent claim cannot depend from another multiple dependent claim). Accordingly, claims 5-7 have not been examined on the merits.

Claims 1-4 were rejected under 35 U.S.C. § 102(e) as being anticipated by Schäffler-Wachter et al. U.S. Patent No. 6,402,752 (hereinafter “Schäffler”).

### Summary of Applicant's Reply

Applicant has amended independent claim 1 to clarify the function of the securing means and has added dependent claims 8-10.

Applicant also submits herewith "Replacement Sheets" and "Annotated Sheets" of amended FIGS. 1 and 6.

No new matter has been added.

Reconsideration of this application in view of the amendments and following remarks is respectfully requested.

Objections to the Specification, Claims, and Abstract

The Examiner objected to the specification, claims, and abstract. In particular, the Examiner objected to the specification for not having section headings, to claims 5 and 6 for being of improper form because they are both multiple dependent claims with claim 6 depending from claim 5, and to the abstract for having an incorrect heading, not being in narrative form, and for using legal phraseology such as "means" and "said." The Examiner also recommended that the phrase "pressed onto the bone head 30" on page 8, line 1, be changed to "pressed onto screw head 30."

These objections are respectfully traversed.

Applicant believes the Examiner erroneously reviewed the English translation of the International Application instead of the substitute specification filed concurrently therewith.

For the Examiner's convenience, applicant attaches herewith copies of (1) the originally-filed transmittal letter showing in yellow highlight the checked box for a substitute specification; (2) a Submission Of Substitute Specification In Accordance With 37 C.F.R. § 1.121(b)(3); and (3) a clean copy of the substitute specification, all filed concurrently on

September 22, 2004 and all stamped by the USPTO with the application number and date received.

In sum, the substitute specification has section headings, claims 5 and 6 are not multiple dependent claims, and the abstract has a correct heading, is in narrative form, and does not use legal phraseology (the term “means” is used colloquially). Moreover, the phrase “pressed onto the bone head 30” is not in the substitute specification.

Accordingly, applicant respectfully requests that the objections to the specification, claims, and abstract be withdrawn.

#### Objections to the Drawings

The Examiner objected to the drawings for not showing every feature of the invention specified in the claims. In particular, the cavity “tapering towards its lower end” in claim 1 is not shown in the drawings.

The Examiner also objected to the drawings for not including reference numerals mentioned in the specification. In particular, reference numeral 25 is mentioned in the specification (*see, e.g.*, paragraph 21 of the substitute specification: “bearing surface 25”), but is not included in the drawings.

The Examiner further objected to the drawings for containing reference numerals 37 and 38 in FIG. 6 that do not point to anything (i.e., no lead lines/arrows).

These objections are respectfully traversed.

Claim 1 in the substitute specification does not recite a cavity “tapering towards its lower end,” but instead recites “the cavity having a reduced diameter portion at the lower end,” which is shown in the FIGS.

Applicant has amended FIG. 1 to include reference numeral 25 with a lead line touching the bearing surface of shoulder 9, as described in paragraph 21 of the substitute specification.

And applicant has amended FIG. 6 to remove reference numerals 37 and 38, which refer to features shown in FIG. 5, not FIG. 6.

Accordingly, applicant respectfully requests that the objections to the drawings be withdrawn.

Rejections of Claims 1-4 Under 35 U.S.C. § 102(e)

Claims 1-4 were rejected under 35 U.S.C. § 102(e) as being anticipated by Schäffler.

These rejections are respectfully traversed.

Although Schäffler discloses that “inner cap part 6 ... can be ... snapped on” screw 1 (Schäffler column 3, lines 49-50), Schäffler does not disclose or suggest “securing means” to prevent screw 1 from passing through inner cap part 6 prior to attachment of outer cap part 7.

Independent claim 1 defines a device having securing means to prevent bone fixation means from passing through the cavity of a connection element prior to the attachment of a sealing cap to the connection element.

Schäffler therefore does not anticipate independent claim 1, which should thus be allowable. Dependent claims 2-4 (as well as dependent claims 5-7) should thus also be allowable, because dependent claims are allowable if their independent claim is allowable.

Moreover, Schäffler does not anticipate applicant's claim 3, which requires the arresting means to have a plurality of bulges on the connection element and a plurality of complementary depressions on the sealing cap. In contrast, Schäffler discloses only a single ridge 12 fittable in a single complementary slot 13 in outer cap part 7.

Accordingly, applicant respectfully requests that the rejections of claims 1-4 under 35 U.S.C. § 102(e) be withdrawn.

#### New Claims 8-10

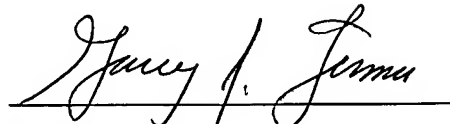
New claims 8-10 depend from claim 1 and should therefore be allowable for at least the same reasons as claim 1 (i.e., dependent claims are allowable if their independent claim is allowable).

#### Conclusion

The foregoing demonstrates that claims 1-10 are allowable. This application is

therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Garry J. Tuma", is written over a horizontal line.

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Attachments:

Originally-filed Transmittal Letter;  
Submission Of Substitute Specification;  
Substitute specification titled "Device For Connecting A Longitudinal Carrier To A Bone  
Fixation Means;  
Annotated Drawing Sheets 1 and 6; and  
Replacement Drawing Sheets 1 and 6.

AMENDMENTS TO THE DRAWINGS

Applicant requests approval to amend FIGS. 1 and 6 as shown in red on the two attached marked-up copies labeled "Annotated Sheets." In particular, applicant requests approval to:

- add reference numeral "25" to FIG. 1; and
- remove reference numerals "37" and "38" from FIG. 6.



# ANNOTATED SHEET

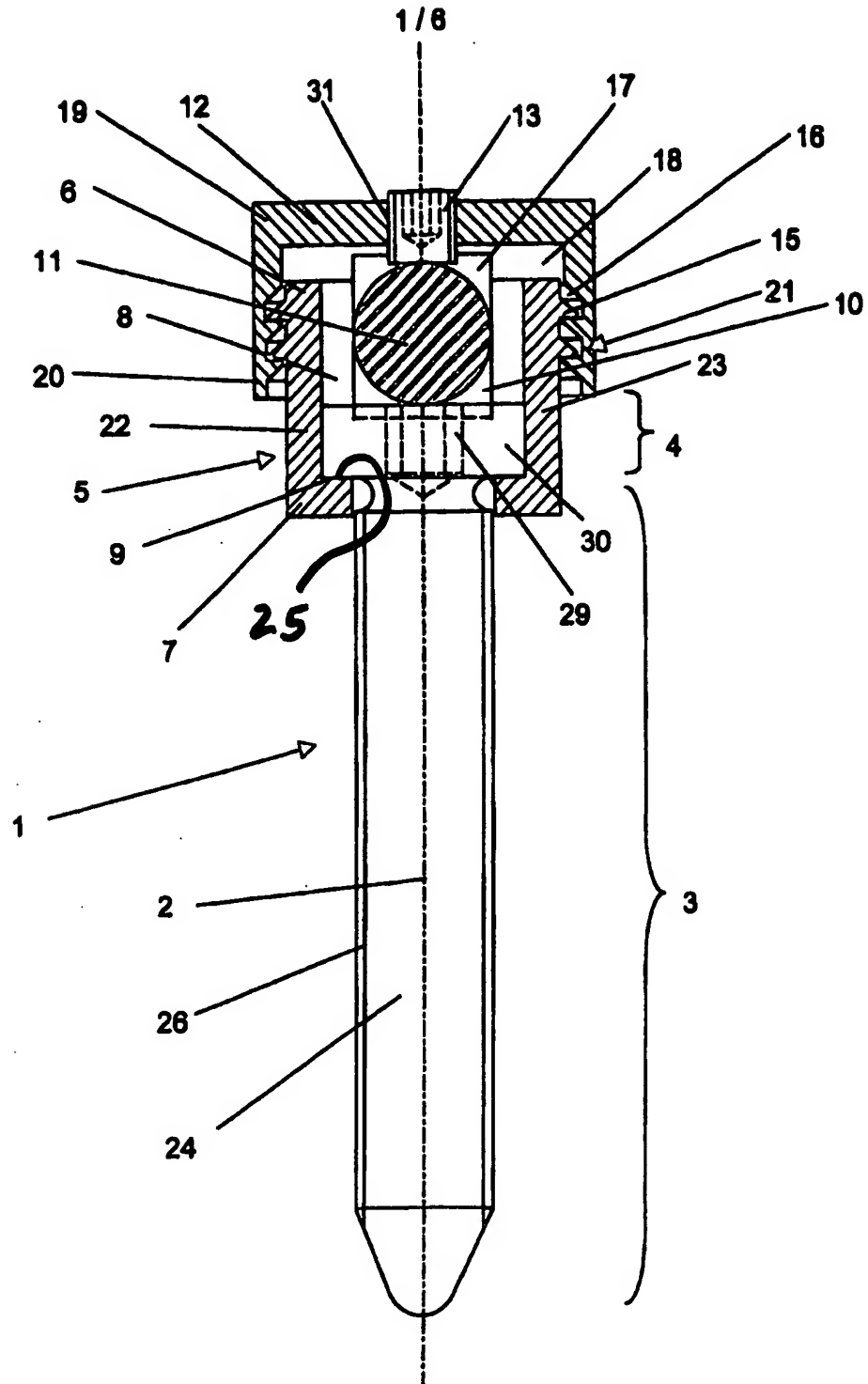


Fig. 1



# ANNOTATED SHEET

